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§ 616a. Transferred

CODIFICATION

Section 616a, acts Mar. 26, 1934, ch. 90, 48 Stat. 500; June 29, 1936, ch. 858, title II, §204, 49 Stat. 1987, which related to the shipment of exports financed by the Government in United States vessels, was transferred to section 1241-1 of Title 46, Appendix, Shipping.

§§ 617 to 619. Repealed or Omitted

Section 617, act Jan. 22, 1932, ch. 8, §17, 47 Stat. 12, was omitted by act June 30, 1947, ch. 166, title I, §1, 61 Stat. 202, which generally amended the Reconstruction Finance Corporation Act, act Jan. 22, 1932, ch. 8, 47 Stat. 5.

Section 618, act June 30, 1947, ch. 166, title II, §208, 61 Stat. 209, related to purchase and sale of surplus property, and was repealed by act of May 25, 1948, ch. 334, §7, 62 Stat. 265.

Section 619, act July 29, 1947, ch. 346, title II, §201, 61 Stat. 515, related to limitations on use of funds of the Corporation, which Corporation was abolished by section 6 of Reorg. Plan No. 1 of 1957, eff. June 30, 1957, 22 FR 4633, 71 Stat. 647. Reorg. Plan No. 1 of 1957 is set out preceding section 601 of this title.

CHAPTER 14A-AID TO SMALL BUSINESS

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631. Declaration of policy.

- (a) Aid, counsel, assistance, etc., to small business concerns.
- (b) Assistance to compete in international markets.
- (c) Aid for agriculturally related industries; financial assistance.
- (d) Use of assistance programs to establish, preserve, and strengthen small business concerns.
- (e) Assistance to victims of floods, etc., and those displaced as result of federally aided construction programs.
- (f) Findings; purpose.
- (g) Assistance to disaster victims under disaster loan program.
- (h) Assistance to women owned business.(i) Prohibition on use of funds for indi-
- viduals not lawfully within United States
- (j) Contract bundling.
- 631a. Congressional declaration of small business economic policy.
 - (a) Foster small business.
 - (b) Capital availability to small business. Reports to Congress; state of small business.
 - (a) Report on Small Business and Competition.
 - (b) Appendix to report.
 - (c) Supplementary reports.
 - (d) Referral to Congressional commit-
 - (e) Small business concerns owned by disadvantaged individuals and by women.

632. Small-business concern.

- (a) Criteria.
- (b) "Agency" defined.
- (c) Qualified employee trust; eligibility for loan guarantee; "qualified employee trust" defined; regulations for treatment of trust as qualified employee trust.
- (d) "Qualified Indian tribe" defined.
- (e) "Public or private organization for the handicapped" defined.
- "Handicapped individual" defined.
- (g) "Energy measures" defined. (h) "Credit elsewhere" defined.
- (i) "Homeowners" defined.

- (j) "Small agricultural cooperative" defined.
- "Disaster" defined.
- (l) "Computer crime" defined.
- (m) "Simplified acquisition threshold" defined.
- (n) "Small business concern owned and controlled by women" defined.
 (o) Definitions of bundling of contract re-
- quirements and related terms.
- (p) Definitions relating to HUBZones. (q) Definitions relating to veterans.
- Small Business Administration.
 - (a) Creation; principal, branch, and regional offices.
 - (b) Appointment of Administrator, Deputy Administrator, and Associate Administrators; duties of Administrator: preparation of data base and publication of economic indices and annual report; risk management database; computer security and education program.
 - (c) Revolving funds; disaster loan fund; business loan and investment fund; payments into funds; appropriations; reports to Congress; businesstype budgets; borrowing authority: terms and conditions of notes, interest rate, public debt transactions; payments into miscellaneous receipts; authorization of appropriations for losses and interest subsidies.
 - (d) Creation and composition of Loan Policy Board; establishment of poli-
 - (e) Prohibition on provision of assistance.
 - (f) Certification of compliance with child support obligations.

General powers.

- (a) Seal; appointment and compensation of personnel; use of other services and facilities.
- (b) Powers of Administrator.
- (c) Procurement of experts and consultants; compensation and expenses.
- (d) Safety deposit box rentals.
- (e) Undertaking or suspension of payment obligation; period; extension of maturity; repayment agreement; "required payments" defined.

 (f) Sale of guaranteed portion of loans by
- lender or subsequent holder; limitations; secondary market.
- (g) Trust certificates; guarantee of timely payments of principal and interest; full faith and credit of United States; collection of fees; subrogation.
- (h) Central registration of loans and trust certificates; contracts with agent; disclosures by sellers of guaranteed portions of loans; regulation of brokers and dealers; electronic registration.

Office of Advocacy within Small Business Administration; Chief Counsel for Advocacy. Primary functions of Office of Advocacy.

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Additional duties of Office of Advocacy. 634c.

Staff and powers of Office of Advocacy. 634d

Assistance of Government agencies. 634e. 634f Reports

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Deposit of moneys; depositaries, custodians, and fiscal agents; contributions to employees' compensation funds.

636 Additional powers.

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- (a) Loans to small business concerns; allowable purposes; qualified business; restrictions and limitations.
- (b) Disaster loans; authorization, scope, terms and conditions, etc.
- (c) Extension or renewal of loans; purchase of participations; assumption of obligations; disaster loans; interest rates; loan amounts.
- (d) Funds for small business development centers under section 648 of this title.
- (e) [RESERVED].
- (f) [RESERVED].
- (g) Repealed.
- (h) Loans to handicapped persons and organizations for handicapped.
- Loans to small business concerns located in urban or rural areas with high proportions of unemployed or low-income individuals, or owned by low-income individuals.
- (j) Financial assistance for projects providing technical or management assistance; areas of high concentration of unemployment or low-income; preferences; manner and method of payment; accessible services; program evaluations; establishment of development program; coordination of policies.
- (k) Functions relating to loans and financial assistance for projects providing technical or management assistance to individuals or enterprises eligible for assistance as small business concerns located in urban or rural areas with high proportions of unemployed or low-income individuals, or owned by low-income individuals.
- (l) [RESERVED].
- (m) Microloan Program.
- (n) Repayment deferred for active duty reservists.

636a. Repealed.

636b. Disaster loan interest rates.

636c. Age of applicant for disaster loans.

636d. Disaster aid to major sources of employment.

- (a) Loans to disaster areas.
- (b) Interest; deferred payments.

637. Additional powers.

- (a) Procurement contracts; subcontracts to disadvantaged small business concerns; performance bonds; contract negotiations; definitions; eligibility; determinations; publication; recruitment; construction subcontracts; annual estimates; Indian tribes.
- (b) Procurement and property disposal powers; determination of small-business concerns.
- (c) [Reserved]
- (d) Performance of contracts by small business concerns; inclusion of required contract clause; subcontracting plans; contract eligibility; incentives; breach of contract; review; report to Congress.
- (e) Covered executive agency activities; procurement notice; publication; time limitations.
- (f) Contents of notice.
- (g) Exempted, etc., activities of executive agency.
- (h) Award of contracts; procedures other than competitive ones; exceptions.
- (i) Availability; complete solicitation package; fees.

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- (j) "Executive agency" defined.
- (k) Notices of subcontracting opportunities.
- (l) Management assistance for small businesses affected by military operations.
- (m) Procurement program for womenowned small business concerns.
- (n) Business $% \left(1\right) =\left(1\right) +\left(1\right) =\left(1\right) +\left(1\right$

637a. Repealed. 637b. Availabili

Availability of information.

- (a) Requests for information.
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637c. Definitions.

638. Research and development.

- (a) Declaration of policy
- (b) Assistance to small-business concerns.
- (c) Consultation and cooperation with Government agencies; studies and recommendations.
- (d) Joint programs; approval of agreements; withdrawal of approval; publication in Federal Register.
- (e) Definitions.
- (f) Federal agency expenditures for SBIR program.
- (g) Administration of small business innovation research programs by Federal agencies required to establish such programs.
- (h) Establishment of goals for funding agreements for research or research and development to small business concerns by agencies having budgets for research and development.
- (i) Annual reporting.
- (j) Small Business Administration policy directives for the general conduct of small business innovation research programs.
- (k) Database.
- Reporting of awards made from single proposal, to multiple award winners, or to critical technology topics.
- (m) Termination.
- (n) Required expenditures for STTR by Federal agencies.
- (o) Federal agency STTR authority.
- (p) STTR policy directive.
- (q) Discretionary technical assistance.
- (r) Third phase agreements.
- (s) Outreach.
- (t) Inclusion in strategic plans.
- (u) Coordination of technology development programs.
- (v) Simplified reporting requirements.
- (w) STTR model agreement for intellectual property rights.
- Reporting requirements and agency cooperation.
 - (a) Annual reports to President and Congressional officers and committees.
 - (b) Report of expenditures in conduct of activities; contents; information to Congressional committees.
 - (c) Repealed.

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- (d) Annual report of Department of Defense.
- (e) Retention of records.
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- (g) Annual report of employee conduct complaints received or acted upon and investigations undertaken by Administration.

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(h) Report to Congress on secondary market operations.

639a. Review of loan program; submission of estimated needs for additional authorization.

640. Voluntary agreements among small-business concerns.

- (a) Consultation with President.
- (b) Exemption from certain laws; findings and requests; filing and publication.
- (c) Delegation of authority; consultation; approval of requests.(d) Inapplicability of section when re-
- quest or finding withdrawn.

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- 641. Transfer to Administration of other functions, powers, and duties.

642. Requirements for loans.

- 643. Fair charge for use of Government-owned property.
- 644. Awards or contracts.
 - (a) Determination.
 - (b) Placement of contracts by contracting procurement agency.
 - (c) Programs for blind and handicapped individuals.
 - (d) Priority.
 - (e) Procurement strategies; contract bundling.
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 - (g) Goals for participation of small business concerns in procurement contracts.
 - (h) Reports to Administration; submittal of information to Congress.
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 - (l) Breakout procurement center representatives.
 - (m) Relationship to other procurement programs.
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 (n) Determination of labor surplus areas.
 - (0) Requirements for performance of contracts by employees of small business concerns.
 - (p) Database, analysis, and annual report with respect to bundled contracts.
- 645. Offenses and penalties.
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 - (b) Embezzlement, etc.
 - (c) Concealment, etc.
 - (d) Misrepresentation, etc.
 - (e) Representations under subsection (d) of this section to be in writing.
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- 646. Liens

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- 647. Duplication of activities of other Federal departments or agencies.
 - (a) General prohibition; exception.
 - (b) Definitions.
 - Small business development center program authorization.

 (a) Grants, contracts and cooperative
 - (a) Grants, contracts and cooperative agreements for establishment of small business development centers and for small business activities and purposes; role of Administration; non-Federal additional amount; amount of grant; eligibility.
 - (b) Area plan inconsistent with applicant's plan: assistance unavailable 1981 through 1983; plan of applicant: submittal to Administration, action on plan, review by Administration, assistance to out-of-State businesses

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- (c) Problem-solving assistance; development center extension services; staff and access requirements; assistance services; changing services for evolving needs; qualified small business vendors; non-profit entities; cooperation with regional and local offices, etc.; information sharing system.
- (d) Enhancing export potential of businesses within State; State Office of International Trade.
- (e) Laboratory assistance; reimbursement for services.
- (f) National Science Foundation; cooperation with Administration and Small Business Development Centers; center support.
- (g) National Aeronautics and Space Administration and regional technology transfer centers.
- (h) Associate Administrator for Small Business Development Centers.
- National Small Business Development Center Advisory Board; establishment; membership; term; Chairman; advisory and counseling functions; meetings; compensation.
- (j) Small business development center advisory board; establishment; chairman; conferences with director on policy.
- (k) Program examination and certification.
- (l) Contract authority.
- (m) Prohibition on certain fees.

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Office of International Trade.

- (a) Establishment.
- (b) Development of distribution network; marketing of programs and dissemination of information; bilingual job applicants.
- (c) Promotion of sales opportunities for goods and services abroad.
- (d) Access to export and pre-export financing programs.(e) Counseling small businesses; proceed-
- ings related to trade laws; access to trade remedy proceedings.
- (f) Annual reports to Congress.
- (g) Cooperative studies and reports to Congressional committees on selected issues; recommendations.

649a. Omitted. Grants.

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- Grants, contracts and cooperative agreements for international marketing programs.
 - (a) Limitations and restrictions.
 - (b) Eligibility.
 - (c) Advisory board establishment.
 - (d) Grant requirements.
 - (e) Program evaluation; reports.
 - (f) Recipients' duty to furnish information.
 - (g) "Applicant" defined.
 - (h) Contract authority.
- Authorization of appropriations. Central information clearinghouse.
- El Nino-related ocean conditions; disaster loan assistance to small business concerns
- in fishing industry. National small business tree planting pro-
- (a) Authorization of grants and contracts with States.
 - (b) Establishment by Administrator.
 - (c) Utilization of small business concerns in implementing program.

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National Veterans Business Development

§ 631 Sec. (d) Cooperation of Federal agencies; technical services. (e) Authorization of appropriations. (f) Rules and regulations. (g) Definitions. (h) Annual report to President and Congress. 652. Central European Enterprise Development Commission. (a) Establishment. (b) Management and technical assistance to designated Central European countries. (c) Eligibility. (d) Initial meeting and organization. (e) Reimbursement for necessary penses. (f) Meetings; quorum. (g) Authority; personnel. (h) Initial and annual reports to Congress (i) Authorization of appropriations. 653. Office of Rural Affairs. (a) Establishment. (b) Appointment of director. (c) Functions. 654 Paul D. Coverdell drug-free workplace program. (a) Definitions. (b) Establishment. (c) Privacy protection for employees participating in drug-free workplace program. (d) Evaluation and coordination. (e) Contract authority. (f) Construction. (g) Authorization. 655. Pilot Technology Access Program. (a) Establishment. (b) Criteria for selection of Centers. (c) Matching requirement. (d) Purpose of awards. (e) Renewal of awards (f) Interim report. (g) Final report. (h) Authorization of appropriations. (i) Funding from other sources; employment of Centers by Federal agencies 656 Women's business center program. (a) Definitions. (b) Authority. (c) Conditions of participation. (d) Contract authority. (e) Submission of 5-year plan. (f) Criteria. (g) Office of Women's Business Ownership. (h) Program examination. (i) Contract authority. (j) Management report. (k) Authorization of appropriations. (l) Sustainability pilot program. 657. Oversight of regulatory enforcement. (a) Definitions. (b) SBA Enforcement Ombudsman. (c) Regional Small Business Regulatory Fairness Boards.

(d) Powers of Boards.

(b) Eligible contracts.

(c) Enforcement; penalties.(d) Authorization of appropriations.

(a) Office of Veterans Business Develop-

(b) Associate Administrator for Veterans

Business Development.

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ment.

(a) In general.

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Corporation. (a) Establishment. (b) Purposes of the Corporation. (c) Board of Directors. (d) Corporate powers. (e) Corporate funds. (f) Network of information and assistance centers. Annual report. (h) Assumption of duties of advisory committee. Use of mails. (j) Professional Certification Advisory Board. (k) Authorization of appropriations. 657d. Federal and State Technology Partnership Program. (a) Definitions. (b) Establishment of Program. (c) Grants and cooperative agreements. (d) Cooperation and coordination. (e) Administrative requirements. Reports. (g) Reviews by Inspector General. (h) Program levels. (i) Termination. 657e Mentoring Networks (a) Findings (b) Authorization for Mentoring Networks. Criteria for Mentoring Networks. (d) Mentoring database. CHAPTER REFERRED TO IN OTHER SECTIONS This chapter is referred to in sections 662, 687 of this title; title 7 section 2000; title 10 section 2855; title 16 sections 472a, 535a, 539d; title 19 sections 2345, 2346; title 25 section 450j; title 38 section 3742; title 42 section 7661f; title 49 sections 13709, 40110; title 50 App. section § 631. Declaration of policy (a) Aid, counsel, assistance, etc., to small business concerns The essence of the American economic system of private enterprise is free competition. Only through full and free competition can free markets, free entry into business, and opportunities for the expression and growth of personal initiative and individual judgment be assured. The preservation and expansion of such competition is basic not only to the economic well-being but to the security of this Nation. Such security and well-being cannot be realized unless the actual and potential capacity of small business is encouraged and developed. It is the declared policy of the Congress that the Government should aid, counsel, assist, and protect, insofar as is possible, the interests of small-business concerns in order to preserve free competitive enterprise, to insure that a fair proportion of the total purchases and contracts or subcontracts for property and services for the Government (including but not limited to contracts or subcontracts for maintenance, repair, and construction) be placed with small-business enterprises, to insure that a fair proportion of the total sales of Government property be made to such enterprises, and to maintain and strengthen the overall economy of the Nation.

(b) Assistance to compete in international markets

(1) It is the declared policy of the Congress that the Federal Government, through the